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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,952	01/09/2002	Jun Ohshimo	020004	5112

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[REDACTED]  
EXAMINER

DEJESUS, LYDIA M

[REDACTED]  
ART UNIT [REDACTED] PAPER NUMBER

2859

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/040,952	OHSHIMO, JUN
	<b>Examiner</b>	<b>Art Unit</b>
	Lydia M. De Jesús	2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 26 March 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) 10-16 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-9 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u>.</p>	<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>
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## **DETAILED ACTION**

### ***Election/Restrictions***

1. The Election of Species requirement presented in the previous action is hereby repeated and thus made FINAL.
2. Applicant's election of Species A, corresponding to claims 1-9, in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Information Disclosure Statement***

3. The information disclosure statement filed January 9, 2002 has been placed of record and the references cited therein have been considered.

### ***Claim Objections***

4. Claims 2, 5, and 8 are objected to because of the following informalities: The limitation "wherein the light guide in a plate shape" appears to be an incomplete statement. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruggeling et al. [U.S. Patent 5,260,564, hereinafter Bruggeling].

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Bruggeling discloses a light sensor, shown in Figure 4, comprising: a light emitter [25]; a light receiver [3] for receiving light emitted from said light emitter; and a light guide [26] for taking in the light emitted from the light emitter, reflecting the taken-in light at a reflection portion [27 +28+29] provided on a part thereof, and ejecting the light toward the light receiver; wherein the light receiver [31] and the light guide [26] are disposed so as to be opposed to each other with an appropriate space/ conveying path [24] in between, and entry of an object into said space is detected based on the light received by the light receiver. Also, the light emitter [25] and the light guide [26] of the disclosed light sensor are disposed so as to be opposed to each other with an appropriate space/conveying path [24] in between, and entry of an object into said space is detected based on the light received by the light receiver.

Said light guide has a plate shape, which has the reflection portion [27+28+29] disposed on one plane thereof, said reflection portion having a groove shape, takes in the light through one end face thereof, reflects the taken in light at the reflection portion, and ejects the reflected light from the other plane thereof.

7. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohtomo et al. [U.S. Patent 5,907,907, hereinafter Ohtomo].

Ohtomo discloses a light sensor, shown in figure 3, comprising; a light emitter [20]; a light receiver [21] for receiving light emitted from said light emitter [20] and reflected at a reflective object [47]; and a light guide [44] for taking in the light emitted from the light emitter, reflecting the taken in light at a reflection portion provided on a part thereof, and ejecting the light, wherein the light receiver [21] receives the light ejected from the light guide [44] and

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reflected at the reflective object [47], and a position of said reflective object is detected based on the light received by the light receiver (see lines 50-63 of column 12).

8. Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sick [U.S. Patent 4,085,322].

Sick discloses a light sensor, shown in Figure 1, comprising; a light emitter (see lines 37-39 of column 3); a light receiver [18] for receiving light emitted from said light emitter and reflected at a reflective object [11] (see abstract); and a light guide [12] for taking in the light emitted from the light emitter, reflecting the taken in light at a reflection portion [14] provided on a part thereof, and ejecting the light, wherein the light receiver receives the light ejected from the light guide and reflected at the reflective object, and a position of said reflective object [11] is detected based on the light received by the light receiver [18].

Said the light guide [12] is in a plate shape, which has the reflection portion [14] disposed on one plane thereof, takes in the light through one end face thereof, reflects the taken in light at the reflection portion, and ejects the reflected light from the other plane thereof. Said reflection portion [14] has a groove shape.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jacob discloses an apparatus and method for determining the presence or absence of a wafer on a wafer holder. Voevodin discloses an air shield for a particle detection system. Lu discloses an optical apparatus for determining the height and tilt of a sample surface. Kahl et al. disclose a ceiling mounted passive infrared intrusion detector with prismatic window. Klang et

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al. disclose a light collecting and transmitting apparatus. Newell et al. disclose a method for writing and means for reading position indicating markers on a tape.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lydia M. De Jesús whose telephone number is (703) 306-5982. The examiner can normally be reached on 12:30 to 8:00 p.m., Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

LDJ  
June 2, 2003



CHRISTOPHER W. FULTON  
PRIMARY EXAMINER